

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35325

STATE OF IDAHO,)	2010 Unpublished Opinion No. 356
)	
Plaintiff-Respondent,)	Filed: February 23, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
LONNIE WILLIAMS,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Elmore County. Hon. Michael E. Wetherell, District Judge.

Order relinquishing jurisdiction, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

In this case, we are asked to determine whether the district court abused its discretion in refusing to grant probation following a period of retained jurisdiction. We affirm.

Lonnie Williams pled guilty to two counts of burglary, I.C. § 18-1401, and one count of grand theft, I.C. §§ 18-2043(1), 18-2407(1)(b). In exchange for his guilty pleas, additional counts were dismissed. Williams was granted a withheld judgment and placed on probation. Following a violation of his probation, the district court revoked Williams's withheld judgment. The district court sentenced Williams to a unified term of five years, with a minimum period of confinement of one year, for the first count of burglary; a concurrent unified term of seven years, with a minimum period of confinement of two years, for the second count of burglary; and a concurrent unified term of eight years, with a minimum period of confinement of three years, for

grand theft. However, the district court suspended the sentences and placed Williams on probation.

Thereafter, Williams again violated the terms of his probation. The district court revoked probation, retained jurisdiction for 180 days, and Williams was sent to participate in the rider program. After Williams completed his rider, the district court relinquished jurisdiction. Williams appeals, claiming that the district court erred by refusing to grant probation and argues that his sentences are excessive and constitute an abuse of discretion.

We note that the decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Williams has failed to show that the district court abused its discretion and we, therefore, affirm the order relinquishing jurisdiction.

Williams also contends that his sentences are excessive and constitute an abuse of discretion. Sentences are reviewed for an abuse of discretion. Our appellate standard of review and the factors to be considered when evaluating the reasonableness of a sentence are well-established. *State v. Burdett*, 134 Idaho 271, 1 P.3d 299 (Ct. App. 2000); *State v. Sanchez*, 115 Idaho 776, 769 P.2d 1148 (Ct. App. 1989); *State v. Reinke*, 103 Idaho 771, 653 P.2d 1183 (Ct. App. 1982); *State v. Toohill*, 103 Idaho 565, 650 P.2d 707 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards and having reviewed the record in this case, we cannot say that the district court abused its discretion. Accordingly, the sentences are affirmed.

The order of the district court relinquishing jurisdiction and Williams's sentences of a unified term of five years, with a minimum period of confinement for one year, for the first count of burglary; a concurrent unified term of seven years, with a minimum period of confinement of two years, for the second count of burglary; and a concurrent unified term of eight years, with a minimum period of confinement of three years, for grand theft are affirmed.